

## Relocation Allowances

## § 302-1.100

advance. Specific authority with regard to each type of expense is contained in the sections governing the particular allowances.

(i) Per diem, mileage, and common carrier costs incident to his/her change of official station travel as set forth in § 302-2.4;

(ii) Authorized househunting trips as set forth in § 302-4.16 of this chapter;

(iii) Subsistence while occupying temporary quarters as set forth in § 302-5.15 of this chapter;

(iv) Transportation and temporary storage of household goods as set forth in § 302-8.6;

(v) Transportation of mobile homes as set forth in § 302-7.5; and

(vi) Transportation and emergency storage of employee's privately owned vehicle as set forth in § 302-10.11 of this chapter.

(b) *Funding of transfers between agencies.* In the case of transfer from one agency to another, allowable expenses shall be paid from the funds of the agency to which the employee is transferred. However, in transfers between agencies for reasons of reduction-in-force or transfer of functions, expenses allowable under this chapter may be paid in whole or in part by the agency from which the employee is transferred or by the agency to which he/she is transferred as may be agreed upon by the heads of the agencies concerned except as excluded in paragraphs (b) (1) and (2) of this section.

(1) Nontemporary storage when assigned to an isolated permanent duty station within the continental United States; and

(2) Transfers to, from, or between foreign countries (except the areas and installations in the Republic of Panama made available to the United States under the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979)).

[54 FR 20306, May 10, 1989, as amended by FTR Amdt. 26, 57 FR 28635, June 26, 1992; FTR Amdt. 59, 62 FR 13756, Mar. 21, 1997; FTR Amdt. 63, 62 FR 13768, Mar. 21, 1997; FTR Amdt. 65, 62 FR 13794, Mar. 21, 1997]

### § 302-1.15 Waiver of limitations for an employee relocating to or from a remote or isolated location.

The head of an agency or his/her designee may waive any limitation contained in subchapter II of chapter 57 of title 5, United States Code, or in any regulation (including this chapter) implementing those statutory provisions, for any employee relocating to or from a remote or isolated location when the following conditions are met:

(a) The limitation if not waived would cause the employee to suffer a hardship; and

(b) The head of the agency or his/her designee certifies in writing that the limitation is waived and the reason(s) for the waiver.

[FTR Amdt. 58, 62 FR 10709, Mar. 10, 1997]

## Subpart B—Relocation Entitlements Upon Separation for Retirement

### § 302-1.100 Applicability.

(a) *Individuals covered*—(1) *Career appointees to the Senior Executive Service (SES).* The provisions of this subpart are applicable to career appointees in SES positions. For purposes of this subpart, the definitions in paragraphs (a)(1) (i) and (ii) of this section apply.

(i) *Career appointee* as defined in 5 U.S.C. 3132(a)(4) means an individual in an SES position whose appointment to the position or previous appointment to another SES position was based on approval by the Office of Personnel Management of the executive qualifications of such individual.

(ii) *Senior Executive Service (SES) position* as defined in 5 U.S.C. 3132(a)(2) means:

(A) Any position in an agency which is classified above GS-15 of the General Schedule pursuant to 5 U.S.C. 5108 or is in Level IV or V of the Executive Schedule; or

(B) An equivalent position which is not required to be filled by an appointment by the President by and with the advice and consent of the Senate, and is a position which includes one or more of the duties listed in 5 U.S.C. 3132(a)(2).

(2) *Appointees who elect to retain SES retirement benefits.* The provisions of this subpart are applicable to a non-SES appointee if the conditions listed in paragraphs (a)(2) (i) through (iii) of this section are met:

(i) The appointee's basic rate of pay is at Level V of the Executive Schedule or higher;

(ii) The appointee was previously a career appointee in the SES; and

(iii) The appointee elected under 5 U.S.C. 3392(c) to retain SES retirement benefits.

(3) *Medical Center Directors.* The provisions of this subpart are applicable to individuals who:

(i) Served as a director of a Department of Veteran's Affairs medical center under 38 U.S.C. 4103(a)(8) as in effect on November 17, 1988;

(ii) Separated from Government service on or after October 2, 1992; and

(iii) Are not otherwise covered under paragraph (a) (1) or (2) of this section.

(b) *Immediate family of deceased covered individual.* The provisions of this subpart apply to the immediate family of a covered individual, as defined in paragraph (a)(1) of this section, who satisfies the eligibility criteria in §302-1.101, and who:

(1) Died in Government service on or after January 1, 1994; or

(2) Died after separating from Government service but before travel and/or transportation authorized under this subpart were completed.

(c) *Exclusions.* The provisions of this subpart are not applicable to individuals whose appointment in the SES is a limited term, limited emergency, or noncareer appointment. (See 5 U.S.C. 3132(a) (5) through (7) for definitions of excluded types of appointment.)

[FTR Amdt. 32, 58 FR 58243, Oct. 29, 1993, as amended by 62 FR 26374, May 13, 1997]

#### § 302-1.101 Eligibility criteria.

Upon separation from Federal service for retirement, a covered individual as defined in §302-1.100(a) of this subpart (or a deceased covered individual's immediate family as described in §302-1.100(b)) is eligible for those travel and transportation allowances specified in §302-1.103 of this subpart, if such individual meets the following criteria:

(a) Was transferred or reassigned geographically at any time in the interest of the Government and at Government expense from one official station to another for permanent duty in a position described in §302-1.100(a) of this subpart, including a transfer or reassignment:

(1) From an SES career appointment to another SES career appointment;

(2) From an SES career appointment to an appointment outside the SES at a rate of pay equal to or higher than Level V of the Executive Schedule, and the employee elects to retain SES retirement benefits under 5 U.S.C. 3392; or

(3) From other than an SES career appointment, including an appointment in a civil service position outside the SES, to an SES career appointment;

(b) At the time of the transfer or reassignment:

(1) Was eligible to receive an annuity for optional retirement under section 8336(a), (b), (c), (e), (f), or (j) of subchapter III of chapter 83 (Civil Service Retirement System (CSRS)) or under section 8412 of subchapter II of chapter 84 (Federal Employees Retirement System (FERS)) of title 5, U.S.C.; or

(2) Was within 5 years of eligibility to receive an annuity for optional retirement under one of the authorities in paragraph (b)(1) of this section; or

(3) Was eligible to receive an annuity based on discontinued service retirement, or early voluntary retirement under an OPM authorization, under section 8336(d) of subchapter III of chapter 83 or under section 8414(b) of subchapter II of chapter 84 of title 5, U.S.C.;

(c) Is separated from Federal service on or after September 22, 1988;

(d) Is eligible to receive an annuity upon such separation (or, in the case of death in Government service, met the requirements for being considered eligible to receive an annuity, as of the date of death) under the provisions of subchapter III of chapter 83 (CSRS) or chapter 84 (FERS) of title 5, U.S.C., including an annuity based on optional retirement, discontinued service retirement, early voluntary retirement under an OPM authorization, or disability retirement; and